Environment and Labour

OCCUPATIONAL HEALTH AND SAFETY DIVISION

ANNUAL REPORT

For the year April 1, 2005 to March 31, 2006

TABLE OF CONTENTS

Executive Summary and Highlights i
Introduction 1
Division Mandate, Objectives and Organization 2
Review of the Occupational Health and Safety Act and associated regulations 4
Court or Appeal Panel Decisions 4
Legislation and Regulation Creation or Review Activity 5
Review of compliance with the Occupational Health and Safety Act and associated regulations 7
Compliance by the Division 7
Compliance by Outside Organizations 8
Review of Performance Measures 9
Business Plan Performance Measures 9
Measures of Performance - The Nova Scotia Business Climate Index 10
Client Satisfaction 11
Improve Response to Client Requests For Service 14
Review of Divisional Operations 15
Financial Highlights 15
Fatality and Injury Statistics 17
Key Divisional Activity Statistics 18
Ensure Proper Internal Management 25
Other Items Included as Information 27
Public Information 27
Major Initiatives and Partnerships 29
Projects started / completed over past year 29
Partnerships 30
Significant Committee Activities and Events 30
Appendix A - Organizational Chart for the Division 32
Appendix B - Listing of Compliance with Legal Requirements on the Division 33
Appendix C - Council and Board Membership 36
OHS Advisory Council 36
Board of Examiners for the Certification of Blasters 37
Appendix D - Prosecution Details 38
Prosecution Breakdown 38
Case by Case Results 39

Executive Summary and Highlights

The highlights of the Division's operations in 2005/2006 include:

1. In cooperation with the other WSIS partners, the Department introduced a new Governance and Accountability Framework for WSIS.

2. The Department finalized a review of outstanding regulatory requests from the Advisory Council. As part of the review, the Division will work on the following major issues over the next four years:
   a. IRS requirements
   b. falls
   c. ergonomics
   d. exposure to chemical and physical agents
   e. violence.

3. The Division
   a. Introduced a Diving Safety Strategy, with associated Occupational Diving Regulations
   b. Repealed the Radiation-Emitting Devices Regulations
   c. Worked on a regulatory framework for the Donkin coal mine
   d. Worked on revisions to or creation of:
      i. Liquified natural gas regulations
      ii. Summary offence ticket regulations
      iii. General Blasting Regulations
      iv. Offshore Accord

4. The Division introduced an ISO-9001 compliant Quality Management System.

5. Related to the Quality Management System, in the area of client satisfaction:
   a. The Division continued its high scores in client satisfaction in the areas of the E-mail question service and the publication mail-out.
   b. The Division also expanded its client satisfaction survey program with:
      i. The pilot of an inspection satisfaction survey.
      ii. The introduction of an Internet user satisfaction survey.

6. The Division staff performed 3196 activities in 2005/2006, issuing 6238 orders. This is a decrease from recent years, as a result of staff turnover and the time required to hire and train new staff.
   a. Construction continued to have the largest number of Divisional activities of any industry sector. This is driven largely by complaints (the construction industry represents 37 percent of all complaints, continuing a 5 year trend as the sector registering the most complaints).

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Introduction

This is the report from the Occupational Health and Safety Division to the Occupational Health and Safety Advisory Council for the period April 1, 2005 to March 31, 2006. These reports are submitted annually in accordance with clause 9(f) of the Occupational Health and Safety Act to report on a review of this Act.

This report discusses the operations of the Occupational Health and Safety Division and may form part of a review of the state of occupational health and safety in Nova Scotia. However, in itself, this report does not constitute such a review. The Division alone does not have the data or resources to undertake such a broad scope review.

Where injury data is presented, the Division is not the sole source of the data. Thus, the Division cannot answer in detail as to the origins, source, quality or trends of the data. If such information is required, the reader is encouraged to contact the organizations from which the data came.

This report is divided into six basic areas:

- Division Mandate, Objectives and Organization
- Review of the Occupational Health and Safety Act and associated regulations
- Review of compliance with the Occupational Health and Safety Act and associated regulations
- Review of Performance Measures
- Review of Divisional Operations
- Other Items Included as Information.

In this document, the following short forms are used:

"Act" means the Occupational Health and Safety Act
"Advisory Council" means the Occupational Health and Safety Advisory Council
"Division" means the Occupational Health and Safety Division of the Nova Scotia Department of Environment and Labour
"HRSD" means Human Resources and Social Development Canada - Labour Program (Occupational Safety and Health).
"IRS" means the internal responsibility system
"OH&S" means occupational health and safety
"SIC" means the Standard Industrial Classification - a number assigned to companies within the same industry
"WCB" means the Workers' Compensation Board of Nova Scotia
"WSIS" means the Workplace Safety and Insurance System, composed of the Division, the WCB, the Workers' Compensation Appeal Tribunal, the Workers' Advisers Program and, participating as appropriate, HRSD.

Division Mandate, Objectives and Organization

The Department of Environment and Labour consists of:

- Occupational Health and Safety Division
- Alcohol and Gaming Authority
- Environmental Monitoring & Compliance
- Environmental and Natural Areas Management
- Labour Services
- Labour Standards
- Pension Regulation
- Public Safety/Office of the Fire Marshal
- Workers' Advisers Program
- Communications
- Information and Business Services
- Policy
- Agencies, Boards, Commissions, Tribunals, Councils and Round Tables.

The mission of the Department of Environment and Labour is to protect and promote:

- the safety of people and property;
- a healthy environment;
- employment rights;
- the interests of financial services consumers and pension plan members; and
- consumer interests and public confidence in alcohol and gaming services sectors;

by providing a regulatory regime which is effective, sustainable, and supportive of Nova Scotia's economic viability and competitiveness..

The Division operates within the Department of Environment and Labour. The Division's Mission Statement and Objectives, within the context of WSIS, are:

To establish, promote and enforce clear standards to reduce occupational injury and illness.

The objectives of the Division are to:

- together with our partners, reduce the incidence of injury and illness of employees;
- improve the understanding of occupational health and safety standards by all workplace parties;
- improve health and safety conditions in the workplace by means of research, inspection, investigation and enforcement of legislation.

Specifically, the Division will:

- support and encourage the use of the IRS;
- deliver a program aimed at improving the understanding of OH&S standards by all workplace parties;
- develop regulatory management practices which follow best practices and focus on

continuous improvement, in consultation with stakeholders;

- develop and implement targeted and risk-based models for delivery of occupational health and safety services;
- prepare and maintain statistics and information related to occupational health and safety;
- develop revisions to OH&S laws and policies;
- support research in matters related to OH&S;
- publish reports, studies and recommendations;
- support the tripartite system of employers, employees and government sharing in decision making as it affects occupational health and safety;
- administer consistently with all clients all health and safety-related acts and regulations.

Appendix A gives an organizational chart for the Division.

Review of the Occupational Health and Safety Act

This review of the Occupational Health and Safety Act encompasses two areas:

- court or appeal panel decisions that have implications for the enforceability or interpretation of the Act
- legislation and regulation creation or review activity.

A review of the number and subject of orders issued pursuant to the Act or regulations is given in the Divisional Activity section later in this report.

Court or Appeal Panel Decisions:

Supreme Court of Nova Scotia
Cheevers v. Halifax (Regional Municipality), 2005 NSSC 153 - The ruling established that an employer owes a duty of care to workers who enter and work in potentially hazardous areas. In addition to "breakdown maintenance", that duty includes reasonably regular inspection and cleaning of equipment (See http://decisions.courts.ns.ca/nssc/2005/2005nssc153.html)

Ontario Superior Court of Justice:
The Ontario Superior Court of Justice has confirmed that a person hiring a contractor (in this case, a construction company hiring a trucking company to haul sand) can be deemed the "employer" of the contractor's staff (in this case, a truck driver) (See http://www.canlii.org/on/cas/onsc/2005/2005onsc13879.html).

Ontario Labour Relations Board:
Edvac Contracting Ltd. v. Universal Workers Union, Local 183, and Inspector Drew Robertson, Responding Parties. The Ontario Labour Relations Board has ruled that an OH&S officer's order must detail in some degree the actual weakness that was found. The OLRB stated that:
i. "Persons who are served with an Order are entitled to know what their obligations under the Order are. This is a matter of fairness and natural justice."
ii. ". . . an Order that simply recites the statute or regulation and directs the employer to comply is so vague as to be devoid of meaning"
(See http://www.canlii.org/on/cas/onlrb/2006/2006onlrb10075.html)

Court of Queen's Bench of Alberta:
Ebsworth v. Alberta (Human Resources and Employment), 2005 ABQB 976 - The ruling established that OH&S officers may exclude legal counsel during an investigative interview (See http://www.albertacourts.ab.ca/jdb/2003-/qb/civil/2005/2005abqb0976.pdf)

OH&S Appeal Panel
None

Legislation and Regulation Creation or Review Activity:

During this fiscal year

1. there were no changes to the Act
2. Bill 20, "A Bill to Amend the Workers' Compensation Act", carried on through the Legislature's process. The bill would:
    a. double fines for repeat offences under the Act
    b. establish a requirement for a quarterly report to the Deputy Minister of Environment and Labour on the compliance with the Act
    c. remove the mandate of prevention from the Division's role.

    At fiscal year end, the Bill had not been returned from the Legislature's Law Amendments Committee.

Significant work was done on the following areas during the fiscal year:

1. Occupational Diving. During the fiscal year, the Division launched its Diving Safety Strategy. The strategy is a broad brush approach to reducing occupational diving incidents. The strategy includes:
    a. The Occupational Diving Regulations to set minimum standards and clarify responsibilities
    b. The creation of diver training courses, in partnership with the Department of Education, the Nova Scotia Community College and HRSD
    c. Plain language guides and interpretations of the strategies points
    d. Several free forms
    e. Training and public awareness sessions throughout the province.
2. Underground Coal Mining. During the fiscal year, the Division worked in concert with other provincial and federal departments to develop a regulatory regime for underground coal mining at the Donkin site. At fiscal year end, the work was ongoing.
3. Blasting and Explosives Handling. In partnership with the Department of Education, the Division worked to improve the regulatory regime for blasting and explosives handling. This work, expected to be completed during the 2006/2007 fiscal year, includes:
    a. Transferring the blaster certification system to Education (in line with the recommendation of the Licenses, Permits and Approvals Task Force)
    b. Eliminating a magazine license which is a duplicate of a federal license
    c. A general updating of the rules related to blasting and explosives handling.
4. Summary Offence Tickets. The Division opened discussions with the Advisory Council on the issue of expanding the list of OH&S offences subject to summary offence tickets. At fiscal year end, the discussions were ongoing.

Although not led by the Division, the following legal activities impact the Division's operations and clients:

1. the Division contributed significant resources to revisions of the Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation (Nova Scotia) Act. A draft bill (Bill 37) was introduced into the Nova Scotia Legislature in the fall of 2003. At fiscal

year end, negotiations were ongoing between the Government of Nova Scotia, the Government of Canada and the Government of Newfoundland and Labrador over the required revisions.

2. The Minister and Deputy Minister of the Department completed a review of all outstanding regulatory requests from the Advisory Council. The review established the following major issues upon which the Division will work over the next four years:
   a. IRS requirements
   b. falls
   c. ergonomics
   d. exposure to chemical and physical agents
   e. violence.

The results related to law reform activities are:

Description	2005/ 2006	2004/ 2005	2003/ 2004	2002/ 2003	2001/ 2002
Number of existing Act /regulations reviewed with recommended changes submitted to the Minister	1*	0	1	0	1
Number of new Acts and regulations submitted to the Minister	1	0	3	1	0

* The reviewed regulation was the Radiation-Emitting Devices Regulations, which was repealed.

Review of Compliance with the Occupational Health and Safety Act and Associated Regulations

Compliance by the Division

The Act and regulations establish several requirements on the Division. In all cases where the requirement was triggered, the Division met the requirement.

These requirements are in Appendix B as is the Division's compliance with them.

Compliance by Outside Organizations

Compliance by outside organizations who are required to comply with the Act is currently gauged primarily through an IRS Checklist which is administered during certain categories of inspections. The IRS checklist results revealed the following statistics:

No. of workers	Internal Responsibility System Measure	2005/ 2006	2004/ 2005	2003/ 2004	2002/ 2003	2001/ 2002
		(% Yes)				
Less than 5	Does the information available at the workplace meet the requirements of the Act?	44	67	57	60	51
5-19	Does the information available at the workplace meet the requirements of the Act?	37	42	56	35	37
	Does the occupational health and safety policy meet the requirements of the Act?	37	43	45	35	35
20+	Does the information available at the workplace meet the requirements of the Act?	48	69	66	60	48
	Does the occupational health and safety policy meet the requirements of the Act?	51	73	68	62	46
	Does the joint occupational health and safety committee meet the requirements of the Act?	51	66	64	41	41
	Are the functions of joint occupational health and safety committees fulfilled?	46	75	66	57	48
	Does the occupational health and safety program meet the requirements of the Act?	53	63	64	49	35

In interpreting the above results, it is important to realize that there is an inspection targeting system aimed at directing the Division's inspections at organizations with higher accident rates. Thus:

- the results above are NOT necessarily indicative of the "average" situation in Nova Scotia companies
- as a result of targeting organizations with higher accident rates, the results are most likely biased to under-report actual average conformity with the elements of the IRS. The size of the bias is not known.

Review of Performance Measures

The Division measures its performance in three ways:

1. the outcomes and outcome measures established for the Division in the Department's Business Plan,
2. through the Nova Scotia Business Climate Index
3. through surveys of client satisfaction, and
4. response to client requests for service.

The following sections report on such performance measures.

Business Plan Performance Measures

The Division is accountable for meeting the outcomes and outcome measures noted in the Department's annual Business Plan (see http://www.gov.ns.ca/enla/pubs/docs/NSELBusinessPlan06.pdf). These are as follows:

Outcome	Measure	Data*	Target*	Strategies to Achieve Target
A safe work environment	Annual percentage of targeted inspections where a health and safety order is not issued.	40 % (2005) vs. 43.5 % (2001 - Baseline)	Increase the percentage from the base year (2001) measure	- work with the WCB to increase OH&S promotion and education - continue to develop a targeted risk-based inspection system
	Number of registered WCB claims per 100 employees, compared to the 5-year running average	7.68 (2005) vs. 7.85 running average from 2001 to 2005**	Maintain or decrease number of claims relative to 5 year running average	- work closely with WCB to identify high accident firms, sectors and types of accidents - work with the WCB to increase OH&S promotion and education - continue to develop a targeted risk-based inspection system
	Average number of compensable days for all compensable time loss claims filed in the year and receiving benefits during the year, compared to the 5-year running average	40.07 (2005) vs. 37.55 running average from 2001 to 2005**	Maintain or decrease the average number of days relative to the 5- year running average	

* Years refer to calendar years.
** Data from WCB

The Nova Scotia Business Climate Index

As part of its calculation of the Nova Scotia Business Climate Index (see http://www.gov.ns.ca/econ/businessclimate/2004/), the Nova Scotia Office of Economic Development publishes a measure of the Effectiveness of Occupational Health and Safety. This measure is based upon the Nova Scotia injury frequency per 100 workers of WCB assessable employers compared to other Canadian provinces. The data is published by the Association of Workers' Compensation Boards of Canada (http://www.awcbc.org/english/board_data.asp).

The latest effectiveness values are listed in the following table. Note that these values include 2004 data (the latest from the AWCBC at the time of writing) which is not included in the Office of Economic Development figures.

OH&S Effectiveness
(Injuries/100 workers of WCB Assessable Employers)

Jurisdiction	2004	2003	2002	2001	2000
Alberta	2.46	2.61	2.79	3.04	3.31
British Columbia	3.06	3.06	3.24	3.58	3.87
Manitoba	4.83	4.81	5.00	5.29	5.79
New Brunswick	1.30	1.47	1.59	1.80	2.00
Newfoundland and Labrador	2.54	2.70	2.94	3.44	3.80
Northwest Territories/Nunavut	2.33	2.77	3.10	3.40	3.11
Nova Scotia	**3.13**	**3.04**	**3.11**	**3.24**	**3.36**
Ontario	1.88	1.98	2.26	2.37	2.37
Prince Edward Island	1.79	2.27	2.66	3.34	3.96
Quebec	3.04	3.16	3.32	3.48	3.73
Saskatchewan	3.79	4.24	4.52	4.37	4.52
Yukon	U/A	2.66	2.98	2.65	2.37

Ranking (out of 12; 1 = best)	2004	2003	2002	2001	2000
Nova Scotia	9th	8th	8th	5th	6th

Client Satisfaction

The Division currently measures client satisfaction for three services:

1. the E-mail Question Service (whereby clients may send e-mails to the Division with questions on OH&S laws and receive an e-mailed answer);
2. the publications mail-out service;
3. The Internet.

In addition to these three client satisfaction measures, the Division piloted a Client Evaluation Program for our inspection service..

The currently existing surveys gave the following results:

E-Mail Question Service Client Satisfaction:

Question	Percent of maximum score				
	2005/ 2006	2004/ 2005	2003/ 2004	2002/ 2003	2001 / 2002
No. of e-mail surveys sent	74	95	43	131	251
Response rate (%)	52	31	63	71	41
The information answered my question.	81.8	83	82.2	86.5	86.1
The information was clear, concise and understandable.	82.4	82.9	80.7	87	87.1
The information was received within an acceptable time frame.	90.5	86.9	87.9	86.8	88.5
You are pleased with the service you received.	83.8	83	87.7	89.3	88.7
Average	**84.6**	**83.9**	**84.6**	**87.4**	**87.6**

Publications Mail-Out Service Client Satisfaction:

Question	2005/ 2006	2004/ 2005	2003/ 2004	2002/ 2003	2001/ 2002
Material received within an acceptable time (% Yes)	96	100	-	100	100
Correct material received (% Yes)	68	99	-	0	100
Friendliness (1-5 scale)	4.6	4.5	4.5	4.6	4.6
Laws well written (1-5 scale)	3.9	3.5	3.5	3.9	3.1
Laws interesting (1-5 scale)	3.6	3.7	4.0	3.7	3.8
Other materials well written (1-5 scale)	3.6	3.8	4.0	4.2	3.9
Other materials interesting (1-5 scale)	3.4	3.2	4.0	3.9	3.9
Overall satisfcation (1-5 scale)	4.5	4.6	4.0	4.7	4.6
% respondents self-identified as "Management"	32%	74%	-	-	-
% respondents self-identified as "JOHSC members"	61%	53%	-	-	-

- Result not available.
1 = Worst 5 = Best

Internet Satisfaction:

Question	2005/ 2006
How would you rate the site navigation?	65 %
How would you rate the site's visual appeal	66 %
How would you rate the ability to find what you want quickly?	41 %
How would you rate the site's search abilities?	50 %
How would you rate the site's overall usefulness?	75 %

The results of the pilot of the Client Evaluation Program for our inspection service were:

	Management	**Non-Management**	**Overall**
Number of responses	10	7	17
Percentage	58.8	41.2	
	Percentage Satisfied with . . .		
Explanation of process	87.5	78.6	83.8
Explanation of law	87.5	78.6	83.8
Answer questions	90.0	71.4	82.4
Give chance for feedback	80.0	75.0	77.9
Understandable report	92.5	85.7	89.7
Overall professionalism	92.5	85.7	89.7
Inspection helped	82.5	71.4	77.9
Order was clear	87.5	75.0	82.1
Order time was adequate	87.5	62.5	76.8
Average	**87.5**	**76.0**	**82.7**

Improve Response to Client Requests For Service

This parameter is measured through the length of time before the initial investigation of a complaint by an OH&S officer. The length of time before the initial investigation of complaints by an OH&S officer is as follows:

	2005/ 2006	**2004/ 2005**	**2003/2004 (Jan. 1st, 04 -> Mar. 31st, 04)**
Number of complaints received	1,181	1,200	224
Average number of days between receipt of complaint and inspection (if one is conducted)	8.75	8.71	7.63
Number of complaints for which no follow-up inspection was performed*	238	235	57

* While it is standard procedure for the Division to follow-up on all complaints, there are some for which this is not appropriate or possible. Such complaints include:

1) operation that was the subject of the complaint is transient and was no longer in existence by the time an officer could investigate

2) complainant gives incorrect information which does not allow the operation that was the subject of the complaint to be identified

3) the operation that is the subject of the complaint is within the jurisdiction of

i) the federal government

ii) the Labour Standards Division

iii) other government agency.

In such cases, the complaint is referred to the appropriate agency for follow-up.

Review of Divisional Operations

Financial Highlights

The overall expenditures of the Division are listed below.

	2005/ 2006	2004/ 2005	2003 / 2004	2002 / 2003	2001 / 2002
Total Costs (actual $000)	5,475	5,958	5,611	5,358	5,321
Total Costs (Dec. 2005 $000)*	5,475	6,117	5,947	5,763	6,020

* Cost data adjusted for inflation. Inflation data from Statistics Canada. Consumer Price Index for December 2005 = 130.9 (1992 = 100).

The Division's revenue comes from two major sources - a statutory transfer from the WCB and an amount from the Government's general funds. In addition, the Division earns a relatively small amount of revenue from the sale of publications to the Government Publications Office (from where they are distributed to the public) and from the certification of blasters and the licensing of magazines.

Funding Contributions

Canadian Centre for Occupational Health and Safety

The Canadian Centre for Occupational Health and Safety (CCOHS) is a Canadian federal government agency based in Hamilton, Ontario, which serves to support the vision of eliminating all Canadian work-related illnesses and injuries. As in past years to OHS Division contributed with other Canadian jurisdictions on a per capita basis to maintained the no charge Inquiry Service operated by the CCOHS.

Canadian Standards Association

The Canadian Standards Association is a not-for-profit membership-based association serving business, industry, government and consumers in Canada and the global marketplace. As in past years to OHS Division contributed with other Canadian jurisdictions on a per capita basis to develop a series of occupational health and safety related standards.

Nova Scotia Safety Council

The Nova Scotia Safety Council (NSCC) was founded in 1958, under the name "The Nova Scotia Highway Safety Council", as a private, non-profit, non-government organization, its mission is to make safety and health a way of life and to be the centre of excellence for safety and health. As in past years to OHS Division contributed some base funding to allow the NSSC to offer its annual conference which was held in March of 2006.

Threads of Life

Threads of Life is a not-for-profit association which provides families with one-on-one peer support assistance and guidance within the health and safety system for families who have been personally touched by a workplace tragedy. It provides families with opportunities to promote public awareness and accountability for workplace health and safety. In the fiscal year the OHS Division provided a grant in support of their activities in the province.

Day of Mourning

The national Day of Mourning recognizes each April 28th as a day of reflection for workers who have been injured or died at work. Again this year the Province hosted the annual ceremony and reception at Province House.

North America Occupational Safety and Health

The North America Occupational Safety and Health (NAOSH) week is an annual event to draw attention to workplace health and safety. This year the OHS Division provided some funding and support to the events planned within the province.

Association of Canadian Ergonomists

The Association of Canadian Ergonomists (ACE) held its annual national conference in Halifax August 15 - 18, 2005. The OHS Division and the WCB sponsored a keynote speaker at the ACE conference in support of the professional associations attempts to raise awareness of ergonomic issues in Canadian workplaces.

Fatality and Injury Statistics

Description	Annual Data (calendar year)					5 Year Average
	2005	2004	2003	2002	2001	
*Fatalities Recorded During the Year	23	27	22	28	27	25
Number of Fatalities Reported per 100,000 Employees	5.14	6.11	5.05	6.54	6.38	5.84
Average # of Compensable Time-Loss Claims Registered with the WCB per 100 employees of WCB Assessable Employers	2.90	3.13	3.04	3.11	3.24	3.08
Average # of Compensable Days for Compensable Time-Loss Claims Registered with the WCB During the Year	40.07	41.01	38.20	36.86	31.60	37.55
Average # of Compensable Days for All Compensable Time-Loss Claims for which Payments were Made During the Year	67.66	61.22	57.61	56.77	56.20	59.89

* A workplace fatality is counted by the Division where all of the following are met:

1. The injury that caused the fatality occurred at a place that meets the definition of a 'workplace'
2. At the time of the injury that caused the fatality, the deceased was:
   a. an employee of an organization,
   b. a self-employed person, or
   d. neither an employee nor a self employed person but who, at the time of the fatality, was contributing to work at the workplace
3. The injury that caused the fatality occurred
   a. within the physical boundaries of Nova Scotia, or
   b. occurred outside the physical boundaries of Nova Scotia and involved an employee of an organization or a self-employed person under NS OH&S legislation at the time of the injury that caused the fatality.

Key Divisional Activity Statistics

The following tables give key statistics on Divisional activity.

Tracked Activities

Tracked Activity	2005/2006	2004 / 2005	2003 / 2004	2002 / 2003	2001 / 2002
Full-Form Prosecutions Initiated	14	37	45	28	24
Summary Offence Tickets Issued	4	23	*	*	*
Fatalities Investigated**	16	16	19	9	18
Work Refusals Investigated	17	28	15	8	13
Appeals of Officer Decisions	13	31	10	25	23
Appeals of Director Decisions	3	4	6	8	15
General Inspections	861	1,004	1,460	1,039	1,287
Targeted Inspections	201	448	266	641	583
Joint Inspections	3	9	7	27	27
Re-Inspections	347	512	503	455	478
Complaints Investigated	800	873	805	834	860
Incidents Investigated	286	350	272	302	325
Discriminatory Action Complaints	35	76	41	69	50
Total Activities (Not inc. Prosec.)	**3,196**	**3,976**	**3,539**	**3,628**	**4,027**

* The power to issue summary offence tickets was not in place at this time.
** Fatalities investigated only include provincial jurisdiction fatalities for which a workplace still exists

Orders Issued

Category	Number of Orders Issued				
	2005/ 2006	2004 / 2005	2003 / 2004	2002 / 2003	2001 / 2002
Orders Issued Under the Acts					
Occupational Health and Safety Act	1,996	2,366	2,143	2,157	1,971
Stop Work Orders	103	109	123	141	137
Deviations Granted	9	22	24	18	21
Codes of Practice Required Under Act	37	8	34	9	9
Smoke-free Places Act	39	68	25	**	**
Orders Issued Under the Regulations					
Fall Protection & Scaffolding Regulations	331	604	618	604	453
First Aid Regulations	636	696	798	787	637
General Blasting Regulations	22	29	15	18	30
Occupational Health Regulations	16	18	35	27	34
Occupational Safety General Regulations	2,291	2,621	2,684	2,533	2,314
Temporary Workplace Traffic Control Regs.	84	42	7	26	22
WHMIS Regulations	389	475	559	540	394
Smoke-free Places Regulations	1	15	21	*	*
Underground Mining Regulations	14	57	128	*	*
Orders Issued Under Codes of Practice					
Managing Asbestos in Buildings '	0	0	0	0	4
Removal of Friable Asbestos '	0	0	0	0	0
Working with Lead '	0	0	0	0	1
TOTAL	**6,238**	**6,991**	**7,033**	**6,692**	**5,860**

* These laws did not exist at this time.
' Since 2002/2003, these are counted in "Codes of Practice Required Under the Act"

Distribution of Divisional Activities by Industry (%)

Industry	SIC Range	2005/ 2006	2004 / 2005	2003 / 2004	2002 / 2003	2001 / 2002
Accommodation, Food, and Beverage	9000-9599	3.8	6.4	5.2	6.5	7.5
Agricultural and Related Services	0000-0299	2.5	1.9	2.1	2.3	1.9
Business Services	7700-7999	2.6	2.5	1.8	1.2	1.9
Communications	4800-4999	1.2	0.9	1.0	1.2	1.2
Construction	4000-4499	33.4	27.8	26.5	32.0	28.2
Education Services	8500-8599	0.7	1.0	1.2	1.2	1.5
Finance and Insurance	7000-7499	0.2	0.4	0.2	0.6	0.3
Fishing and Trapping	0300-0399	1.4	1.3	1.2	1.2	0.8
Government Services	8000-8499	6.4	6.0	6.1	6.7	11.7
Health and Social Services	8600-8999	3.5	5.0	3.9	3.3	4.5
Logging and Forestry	0400-0599	0.8	1.0	1.3	1.7	2.0
Manufacturing	1000-3999	15.6	15.8	14.5	14.6	16.9
Mining, Quarrying, and Oil	0600-0999	3.4	2.8	3.0	2.5	2.4
Other Services	9600-9999	5.2	4.8	5.4	4.7	3.9
Real Estate / Insurance	7500-7699	0.7	0.9	1.1	0.9	0.3
Retail Trade	6000-6999	11.4	13.5	14.4	12.6	9.2
Transportation and Storage Industries	4500-4799	2.3	2.2	1.8	2.5	2.0
Wholesale Trade	5000-5999	4.8	5.6	5.6	4.2	3.7

Distribution of Complaint Inspections by Industry Type (%)

Industry	SIC Range	2005/ 2006	2004 / 2005	2003 / 2004	2002 / 2003	2001 / 2002
Accommodation, Food, and Beverage	9000-9599	3.6	5.1	4.8	4.1	2.3
Agricultural and Related Services	0000-0299	2.0	2.0	1.1	2.0	1.4
Business Services	7700-7999	3.6	3.2	2.9	2.4	1.2
Communications	4800-4999	1.0	2.0	1.1	1.7	0.8
Construction	4000-4499	37.0	41.8	40.0	43.3	43.7
Education Services	8500-8599	0.7	0.7	1.2	2.2	1.4
Finance and Insurance	7000-7499	0.5	0.3	0.0	1.2	0.7
Fishing and Trapping	0300-0399	1.7	0.8	1.1	1.0	0.8
Government Services	8000-8499	8.1	5.3	6.7	6.0	6.7
Health and Social Services	8600-8999	3.7	2.4	3.5	3.2	4.6
Logging and Forestry	0400-0599	0.9	0.9	0.5	0.7	1.0
Manufacturing	1000-3999	14.5	14.5	11.6	11.3	13.8
Mining, Quarrying, and Oil	0600-0999	2.1	0.5	0.6	1.0	1.5
Other Services	9600-9999	5.3	6.0	6.3	5.6	6.0
Real Estate / Insurance	7500-7699	1.5	2.3	2.9	1.9	0.7
Retail Trade	6000-6999	7.9	4.8	7.0	6.2	7.3
Transportation and Storage Industries	4500-4799	2.5	2.5	1.6	2.2	2.4
Wholesale Trade	5000-5999	3.6	4.6	4.1	4.1	3.7

Distribution of Targeted Inspections By Industry (%)

Industry	SIC Range	2005/2006	2004 / 2005	2003 / 2004	2002 / 2003
Accommodation, Food, and Beverage	9000-9599	3.4	15.4	8.6	7.5
Agricultural and Related Services	0000-0299	2.4	1.6	4.1	3.3
Business Services	7700-7999	2.4	2.7	0.8	0.6
Communications	4800-4999	1.5	0.9	0.4	0.9
Construction	4000-4499	16.1	12.3	17.3	30.0
Education Services	8500-8599	0.0	0.0	0.0	0.0
Finance and Insurance	7000-7499	0.0	0.7	0.4	0.2
Fishing and Trapping	0300-0399	2.9	1.3	1.1	1.6
Government Services	8000-8499	5.4	5.1	3.8	3.0
Health and Social Services	8600-8999	7.3	9.2	6.8	23.0
Logging and Forestry	0400-0599	0.5	1.8	3.8	4.4
Manufacturing	1000-3999	22.4	16.5	16.5	16.5
Mining, Quarrying, and Oil	0600-0999	0.0	0.9	0.8	0.6
Other Services	9600-9999	8.3	3.8	2.6	3.9
Real Estate / Insurance	7500-7699	0.0	0.2	0.4	0.5
Retail Trade	6000-6999	17.1	17.9	18.8	14.2
Transportation and Storage Industries	4500-4799	2.0	3.8	3.0	5.6
Wholesale Trade	5000-5999	8.3	5.8	8.6	4.4

Distribution of Orders By Industry (%)

Industry	SIC Range	2005/ 2006	2004 / 2005	2003 / 2004	2002 / 2003	2001 / 2002
Accommodation, Food, and Beverage	9000-9599	4.2	9.4	5.7	9.5	13.6
Agricultural and Related Services	0000-0299	2.4	0.7	2.8	1.6	0.9
Business Services	7700-7999	2.7	2.2	1.2	0.9	1.0
Communications	4800-4999	0.6	0.4	0.7	1.1	0.7
Construction	4000-4499	32.6	24.5	24.2	26.2	22.9
Education Services	8500-8599	0.4	0.6	0.8	0.5	0.6
Finance and Insurance	7000-7499	0.1	0.3	0.0	0.3	0.0
Fishing and Trapping	0300-0399	0.9	0.7	0.8	0.6	0.4
Government Services	8000-8499	4.6	2.7	3.5	4.2	3.2
Health and Social Services	8600-8999	1.9	3.0	2.7	2.2	2.1
Logging and Forestry	0400-0599	0.8	1.0	0.9	0.5	1.3
Manufacturing	1000-3999	15.0	16.6	16.6	16.6	25.0
Mining, Quarrying, and Oil	0600-0999	2.3	2.9	3.7	1.2	2.7
Other Services	9600-9999	5.1	4.7	4.8	6.0	4.8
Real Estate / Insurance	7500-7699	0.4	1.3	1.4	1.1	0.1
Retail Trade	6000-6999	18.0	18.9	17.4	19.3	14.5
Transportation and Storage Industries	4500-4799	2.0	2.6	2.1	1.5	1.8
Wholesale Trade	5000-5999	5.9	7.2	7.1	6.5	4.4

Ratio of Orders to Activities by Industry +

Industry	SIC Range	2005/ 2006	2004 / 2005	2003 / 2004	2002 / 2003	2001 / 2002
Accommodation, Food, and Beverage	9000-9599	1.1	1.5	1.1	1.5	1.8
Agricultural and Related Services	0000-0299	1.0	0.4	1.3	0.7	0.5
Business Services	7700-7999	1.0	0.9	0.7	0.8	0.5
Communications	4800-4999	0.5	0.4	0.7	0.9	0.6
Construction	4000-4499	1.0	0.9	0.9	0.8	0.8
Education Services	8500-8599	0.6	0.6	0.7	0.4	0.4
Finance and Insurance	7000-7499	0.5	0.8	0.0	0.5	0.0
Fishing and Trapping	0300-0399	0.6	0.5	0.7	0.5	0.5
Government Services	8000-8499	0.7	0.5	0.6	0.6	0.3
Health and Social Services	8600-8999	0.5	0.6	0.7	0.7	0.5
Logging and Forestry	0400-0599	1.0	1.0	0.7	0.3	0.7
Manufacturing	1000-3999	1.0	1.1	1.1	1.1	1.5
Mining, Quarrying, and Oil	0600-0999	0.7	1.0	1.2	0.5	1.1
Other Services	9600-9999	1.0	1.0	0.9	1.3	1.2
Real Estate / Insurance	7500-7699	0.6	1.4	1.3	1.2	0.3
Retail Trade	6000-6999	1.6	1.4	1.2	1.5	1.6
Transportation and Storage Industries	4500-4799	0.9	1.2	1.2	0.6	0.9
Wholesale Trade	5000-5999	1.2	1.3	1.3	1.5	1.2

+ A value of 1.0 would indicate an "average" number of orders were issued per activity in a particular industry sector. Values above 1 suggest that, on average, more orders were issued per activity in this sector; values below 1 suggest that, on average, fewer orders were issued per activity in this sector.

Ensure Proper Internal Management:

This parameter is measured through the following statistics:

- average number of activities per OH&S officer
- average number of targeted inspections per officer
- percentage of closed orders that went past the stated compliance date
- success rate in prosecutions
- average cost per activity

DESCRIPTION	ANNUAL DATA					5 YEAR AVERAGE
	2005/ 2006	2004/ 2005	2003/ 2004	2002/ 2003	2001/ 2002	
Average number of activities per OH&S officer*	84.3	117.1	93.9	95.9	117.5	**101.7**
Average number of targeted inspections per OH&S officer*	5.3	13.2	7.1	16.7	16.5	**11.8**
Closed orders that went past the stated compliance date (%)	38.3	44.2	47.5	49.5	41.6	**44.2**
Success rate in prosecutions * *(%)	48.0	73.1	67.6	39.6	56.3	**56.9**
Average cost per activity (Dec. 05 $)	$1,713	$1,591	$1,634	$1,522	$1,362	**$1,564**

* The number of officers for these calculations is derived from a consideration of individual officer starting and ending dates.
** "Success" is defined as the percentage of charges which resulted in "Guilty" verdicts in the total charges decided in the relevant fiscal year that were recorded as either Guilty, Not Guilty, Dismissed, Stayed, or Quashed.

Note that several officers left the Division in 2005/2006 to help create the Prevention Division in the WCB. This loss of staff, and the intendant requirement to train new staff, had an adverse impact on several statistics noted in the above table.

In addition to the OH&S activities described by the above statistics, the Division participated in the operation of the Department and supported various corporate and government initiatives. These initiatives included:

1. French language initiatives led by the Office of Acadian Affairs. The Department has developed a multi-year strategy to introduce and expand French language services
2. Development of a departmental Management Information System, which will be initially focussed on inspection services. At fiscal year end, corporate reporting requirements had been defined and a go forward strategy was in development.
3. The Competitiveness and Compliance Initiative (CCI) was established within the Department along with a number of sub-committees including: Regulatory Framework, Science Strategy, Learning Strategy, and Compliance Promotion. Work continued on the implementation of a department-wide initiatives based on the mandate of CCI.
4. In response to a business plan initiative the Public Prosecution Service assigned one crown attorney assist regional crowns with provincial offenses and to carry some files predominantly in the occupational health and safety area, initially.
5. Various interdepartmental committees aimed at improving the resource utilization and consistency across Departments. Noteworthy committees are:
    a. Advisory Group on Radon (AGOR)
    b. DEL / Energy
    c. DEL / Transportation and Public Works
    d. DEL / Health
    e. DEL / Public Prosecution Service
    f. LNG Committee
    g. One Window Petroleum
    h. One Window Mining
    i. Measuring Regulatory Impact
6. Various internal committees aimed at improving the resource utilization and consistency within the Department. Noteworthy committees are:
    a. Departmental Senior Management Team
    b. Labour and Employment Policy Committee
    c. Regulatory Management
    d. Emergency Plan
    e. Business Continuity Committee.

Other Items Included as Information

Public Information

As part of the Division's mission "To establish, promote and enforce clear standards to reduce occupational injury and illness", the Division maintains a strong effort to continuously promote and increase client awareness of OH&S in general and OH&S laws specifically. This effort includes:

1. support for other major events like:
   a. North American Occupational Safety and Health Week
   b. the Nova Scotia Safety Council Annual Conference (for which the Division was a Platinum sponsor in 2006)
   c. the National Day of Mourning and Davis Day
2. an inquiry/question answering service accessible either through a toll-free call or the Internet
3. a large and frequently-visited Internet site
4. in cooperation with other WSIS partners, a free e-mail service where subscribers get updates of important events and initiatives
5. alone or in concert with our partners, free courses on OH&S laws and other topics
6. participation on a wide range of stakeholder committees
7. contributing to the funding for the Inquiry Service of the Canadian Centre for Occupational Health and Safety
8. special initiatives, such as participation in the WCB sessions launching their prevention initiatives.

The following tables give a picture of the Division's public awareness efforts.

	2005/ 2006	**2004 / 2005**	**2003 / 2004**	**2002 / 2003**	**2001/ 2002**
# Toll Free Calls Received	3,685	4,240	4,824*	3,768**	6,583
# Inquiries Received	1,909	2,870	630***	No comprehensive recording system available	

*Figure is based on prorated data for 11 months.
**Figure is based on prorated data for 5 months.
*** Data represents the time period from January 1, 2004 to March 31, 2004.

Internet Site:

Web Site Locations	2005/ 2006	2004 / 2005	2003 / 2004	2002 / 2003
Total Page Views for all Division pages	237,251	302,758	235,250	172,947
Total Downloads for all Division pages	151,658	115,144	77,400	38,497
Total Page Views for OH&S Act	18,148	**	**	**
Total Page Views for all pages showing OH&S Regulations	44,867*	43,556	33,658	22,896
Totals	451,924	461,458	346,308	234,340

* Data based on 9 months of data and pro-rated.
** Data not available.

Major Initiatives and Partnerships

Projects started /completed over past year

The following are the major projects started or completed by the Division in 2005/2006.

Quality Management System

The Division introduced an ISO-9001 compliant Quality Management System. At fiscal year end, the system was operational with a quality manual, quality procedures, corrective and preventive action protocols and planning for internal audits. It is planned to consider the issue of ISO 9001 registration in fiscal year 2006/2007.

Related to the Quality Management System, the Division expanded its client satisfaction survey program with:

a. The pilot of an inspection satisfaction survey.
b. The introduction of an Internet user satisfaction survey.

Plain Language Initiative:

In an ongoing effort to make information more accessible to our clients, the Division continued work on our plain language initiative. This initiative involved:

1. Updating and maintaining our reference guides for all major regulations and Acts
2. Continuing work on plain language summaries of our laws. In 2005/2006, plain language summaries were completed for the Ventilation, Lighting, Sanitation and Accommodation and Handling and Storage parts of the Occupational Safety General Regulations
3. Writing eight hazard alerts, dealing with:
    a. Flyrock Incidents
    b. Yard Crane Tipping Over
    c. Elevating Devices
    d. Cell Phones and Driving
    e. Garbage and Recycling Vehicle Operations (an update of a previous hazard alert)
    f. Lunenburg Winch Systems Braking
    g. Purse Seining Operations
    h. Ice Delivery Operations (for Fishing Vessels)
4. Publishing "Vos droits, vos responsabilités, et la loi sur la santé et sur la sécurité au travail", a french version of "Your Rights, Responsibilities, and the Occupational Health and Safety Act"
5. Publishing a series of items for the new Occupational Diving Regulations, including
    a. An Overview of the Occupational Diving Regulations
    b. Plain Language Guide to the Occupational Diving Regulations for the Seafood Harvesting Industry
    c. Hiring Divers: The Basics - Infosheet ODR-1
    d. Diving Codes of Practice - Infosheet ODR-2
    e. Diving Supervisor's Record (Log Sheet)
    f. Diver's Logbook.

Partnerships

Workplace Safety and Insurance System

In cooperation with the other Workplace Safety and Insurance System (WSIS) partners, the Department introduced a new Governance and Accountability Framework for WSIS.

Within WSIS, a number of committees addressed issues and defined initiatives. These included:

1. Coordinating Committee, made up of the Deputy Minister of the Department of Environment and Labour and the Chair of the WCB
2. Head of Agencies Committee, made up of the operational heads of the four main WSIS partners
3. System Goals Advisory Committee, made up system stakeholders and representatives of the WSIS partners.

In partnership with the WSIS partners, the Division participated in:

1. The second annual general meeting for WSIS,
2. The implementation of the WSIS strategic plan,
3. Work is continuing to integrate the business planning cycle of the agencies,
4. The support of an Internet site dedicated to WSIS,
5. The establishment of of a stakeholder to review issues of system navigators,
6. Social marketing and advertising campaigns aimed at raising awareness about workplace safety,
7. The continued development of an Internet tool to allow employers access to OH&S information on their business. The Division component of this tool is scheduled for implementation in early 2007.

In partnership with the WCB, the Division participated in several workshops for business. These free workshops put on around the province provided business with a single place to learn about OH&S and WCB issues. In conjunction with these business events, similar events were put on for union representatives.

Significant Committee Activities, Events and Projects

The Division participated on the following major committees:

1. the OH&S subcommittee of the Canadian Association of Administrators of Labour Law (CAALL-OSH)
2. Canadian Standards Association technical committees on:
   a. the OH&S management standard
   b. head protection
   c. machine guarding
3. Farm Safety Committee
4. Forestry Safety Committee

The Division participated in the following major events:

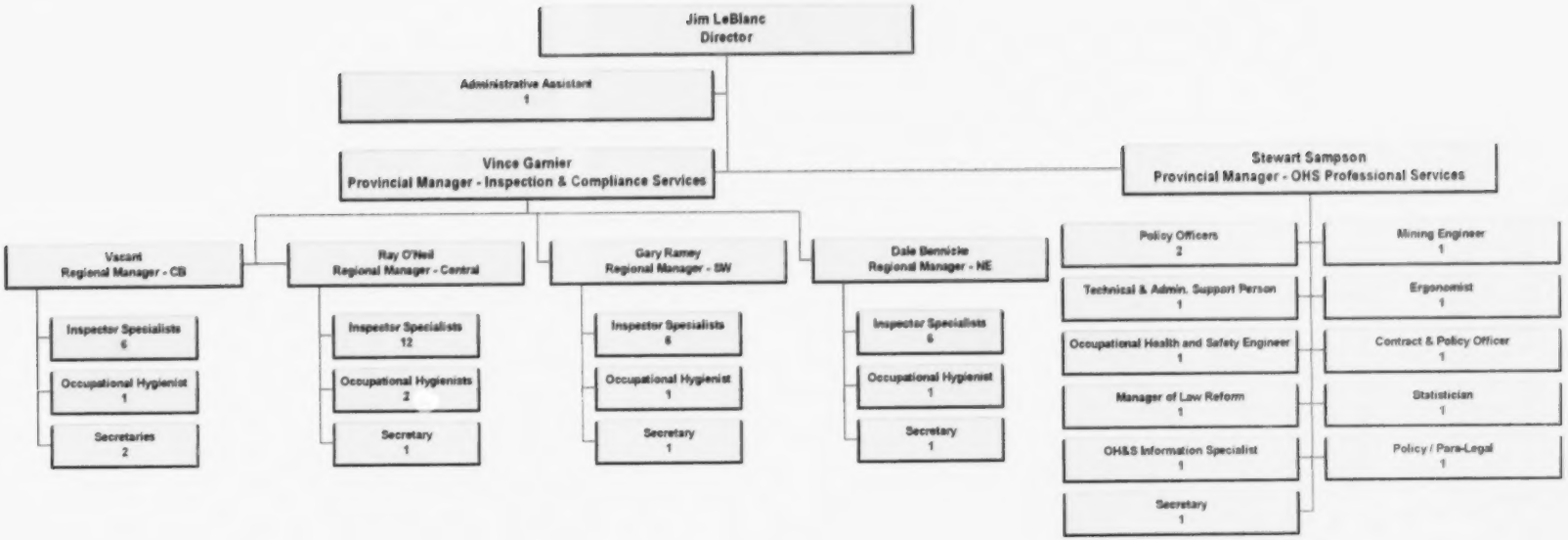
1. the WSIS annual general meeting
2. North American Occupational Health and Safety Week
3. the National Day of Mourning
4. Davis Day ceremonies
5. the Nova Scotia Safety Council annual conference.

The Division lead or participated in the following major projects:

1. Diving strategy implementation
2. Steel Erection Guideline
3. Rigging
4. Apprenticeship Inspections

Appendix A - Organizational Chart for the Division

As of March 31, 2006



Appendix B - Listing of Compliance with Legal Requirements on the Division

Statutory Requirement from the Act	Section	Compliance
The Division shall: 1. shall be concerned with OHS and maintain reasonable standards 2. prepare and maintain statistics and information 3. provide assistance and services to persons concerned with OHS 4. promote or conduct studies and research projects in OHS 5. encourage and conduct educational programs to promote in OHS 6. annually submit to the Advisory Council a report on a review of this Act	9	Full compliance
Part of the costs of the Division pursuant to this Act and the regulations and costs of education and research related to OHS shall be paid out of the Accident Fund by the WCB as determined by the Governor in Council	10	Full compliance
There shall be appointed in accordance with the *Civil Service Act* a Director of OHS and such officers and employees as are necessary for the administration and enforcement of this Act and the regulations	11	Full compliance
Appointees from other levels of government shall not be placed in a position of conflict of interest	11	Full compliance
Minister shall appoint to the OHS Council persons who have a particular knowledge and experience relating to the protection and promotion of OHS generally	24	Full compliance
Membership of the Council shall include equal representation from employers and employees	25	Full compliance
Officer shall provide to the employer at a workplace reports of 1. workplace occupational health or safety inspections; and 2. workplace occupational health or safety monitoring or tests, undertaken at the workplace by, or at the request of, an officer	36	Full compliance
Officer investigate discriminatory action complaint and provide an order or decision	46	Full compliance
Officer shall inform the person from whom a thing is seized as to the reason for the seizure and shall give the person a receipt for it. Officer shall bring a thing seized before a justice Officer who seizes anything shall deal with it in the same way as if it were seized pursuant to the authority of a search warrant	48	Full compliance
Officer shall endeavour to consult with a reasonable number of employees during the inspection.	50	Full compliance
Provision of written order following oral order	55	Full compliance
Specify time within which compliance of order to be completed	56	Full compliance
Provision for protection of confidential business information	61	Full compliance

Statutory Requirement from the Act	Section	Compliance
Provision for protection of medical information	62	Not invoked in 2005/2006
Provision for protection of information received in confidence	62	Full compliance
Director shall summarily review and decide appeals Director shall provide a copy of the Director's decision	67	Full compliance
Minister to seek employer/employee representative's recommendations in establishing a pool of Appeal Panel members	68	Full compliance
Minister to designate an Appeal Panel to hear appeal of Director's decision	68	Full compliance
Deputy Minister to provide a notice of appeal to Appeal Panel members	69	Full compliance
Appointed Appeal Panel to hold hearing	69	Full compliance
Appeal Panel Chair to provide copies of decisions to parties	69	Full compliance
Monies to be held "In Trust" by the Labour Standards Tribunal "In Trust" monies to be paid	72	Not invoked in 2005/2006
A deviation decision shall 1. not be made less then 28 days following the date of the application; and 2. be accompanied by written reasons for the decision Director shall provide a copy of the decision	83	Full compliance

Legal Requirement from the Regulations	Section	Compliance
Appeal Panel Regulation Requirements		
Appeal office shall identify to the Minister the selected chair and members	5	Full compliance
Where parties to an appeal agree on having one person hear the appeal the appeal office shall provide that information to the Minister	5	Not invoked in 2005/2006
The appeal office shall assist the selected chair in scheduling the hearing and communicate the date and location of the hearing	6	Full compliance
The appeal office shall identify a selected chair from the list of persons established pursuant to the Act for the purpose of chairing an appeal panel.	7	Full compliance
The appeal office shall identify two selected members for an appeal panel, one representing employers and one representing employees	8	Full compliance
The appeal office will inform the Minister of the availability of the selected members, and prepare an appointment letter for consideration by the Minister, and the Minister shall designate an appeal panel to hear the matter	9	Full compliance
The appeal office to maintain a record of the decision-making process for possible future submission to the court	13	Full compliance
Disclosure of Information Regulation Requirements		

Legal Requirement from the Regulations	Section	Compliance
Where a denial of a request by health professional is referred to the Director, the Director shall forthwith inform the employer, supplier or manufacturer who denied the request, of the referral and shall give the health professional and the employer, supplier or manufacturer who denied the request a reasonable opportunity to make representations	10	No referral in 2005/2006
Director shall receive representations and ensure confidentiality; any other information and representations submitted to the Director shall not be open to or made available to the public or any other person.	11	No referral in 2005/2006
General Blasting Regulation Requirement		
Director shall issue the certificate to the blaster.	21	Full compliance
Occupational Health Regulation Requirements		
Officer to issue a Notification Order where it can be shown an occupational health hazard exists and the employer has been advised of the hazard, its extent and implication.	7	No notification order issued in 2005/2006
Notification Order to be in writing	7	No notification order issued in 2005/2006
Officer to report facts to Director if compliance with notification orders has not occurred	8	No notification order issued in 2005/2006
Compliance Order referred shall be in writing; record that the employer is in violation of these regulations; record that a Notification Order has been issued; specify a period of time within which the employer shall be required to remedy the hazardous situation	8	No compliance order issued in 2005/2006
Radiation Emitting Devices Regulation Requirements		
Radiation Health Officer shall make a recommendation to the Minister with regard to the issuing of a registration for an ionizing device	3.6	Full compliance
Radiation Health Officer notifies owner of any condition which contravenes the provisions of the regulations, or is inconsistent with good operating practices	6.1	Full compliance
Underground Mining Regulation Requirements		
Director must review information in a timely manner	58	Full compliance
Director must notify the employer when the review is complete and the notice must state the cost of the review	58	Full compliance

Appendix C - Council and Board Membership

OHS Advisory Council

Co-Chairs:

Employee:
R. Wells

Employer:
Harris McNamara

Members:

Employee Members:
J. Kennedy (Employee Vice Co-chair)
S. Andrews (May 1, 2005 to March 31, 2006)
R. Clarke
G. Fraser
B.J. Sutherland (May 1, 2005 to March 31, 2006)
R. Wells

Employer Members:
J. Amirault (Employer Vice Co-chair)
A. MacKeigan
J. Marsman (May 1, 2005 to March 31, 2006)
Harris McNamara
S. Peverelle
G. Slauenwhite (April 1, 2005 to September 30, 2005)

Alternate Members:

Employee:
D. Hindle (May 1, 2005 to March 31, 2006)
C. MacRae (May 1, 2005 to March 29, 2006)
C. Murphy
M. Pickup (May 1, 2005 to March 31, 2006)
N. Power
G. Randall (April 1, 2005 to April 30, 2005)
D. Ryan

Employer:
K. Beaton (May 1, 2005 to March 31, 2006)
L. van Berkel
D. Davis (May 1, 2005 to March 31, 2006)
D. Grant Fiander
J. Hatt

Statutory Members:

Division:
J. LeBlanc
S. Sampson (alternate)

WCB:
S. MacLean
L. McKenna (alternate)

Board of Examiners for the Certification of Blasters

Chair:
Kevin Beaton

Members:
Paul Caza (April 1, 2005 to December 31, 2005)
Alan Miller
D. Clark
A. Baxter

Appendix D - Prosecution Details

Prosecution Breakdown

Parameter	Charges Decided				
	2005/ 2006	2004 / 2005	2003 / 2004	2002 / 2003	2001 / 2002
Full Form Prosecutions Decided	25	45	36	NA	NA
Full Form Charges Decided					
Guilty	12	57	48	19	18
Not guilty	0	6	6	4	0
Dismissed	14	13	17	25	10
Withdrawn	17	51	41	31	34
Stayed	0	0	0	0	0
Quashed	0	2	0	0	4
Total	44	129	112	79	66
Summary Offense Tickets (SOT) Decided	5	20	*	*	*
Guilty- Non Compliance With Order	1	10	*	*	*
Guilty - No Compliance Notice Submitted	2**	6	*	*	*
Withdrawn / Dismissed / Quashed	2	4	*	*	*

* The power to issue summary offence tickets was not in place at this time.
** Note - Summary Offence Tickets that go to trial are still counted as Summary Offence Tickets; not in the Full Form Prosecution

Case by Case results (Full Form Prosecutions - Guilty Only)

Accused	Charges Decided	Total penalty
Blumden Construction Ltd.	FPSR 17(3)	$300
McCarthy's Roofing Ltd.	OHSA 13(1)(a)	$28,750
Farrell Fancy	FPSR 9(1)(b)(ii) or FPSR 9(6) & OSHA 17(1)(a)	$9,200
Courtnakyle Fisheries Ltd.	OHSA 13(1)(a)(a) and OSGR 87(2)	$17,000
Peter Haas, carrying on the name of Jollimore Construction Ltd.	OHSA 14(d)	$1,100
Dyno Nobel Ltd.	GBR 13(11)	$50,000
Marid Industries Ltd.	OSGR 154(1)(a)	$44,621
MacTara Ltd.	OSGR 52 (1) (b) (i) & OHSA 82	$20,000
MacTara Ltd.	OSGR 52 (1) (b) (i) & OHSA 82	$45,000
Nova Tree Seed Enterprises Limited operating as New Arbor Products	OHSA 13(1)(c) (a)	$5,000
Eastern Fence Erectors	OHSA13(1)(c) (a)	$7,000

Guilty Summary Offence Ticket Verdicts

Accused	Charges Decided	Total penalty
I.M.P Group	OHSA 56 (1)	$450
I.M.P Group	OHSA 74(1)(b)(i)	$800
Todd Wall operating as East Side Marios (MicMac Mall)	OHSA 56 (1)	$450
Avery' Farm Market	OHSA 56 (1)	$115*

* Summary Offence Tickets that go to trial may have the penalty amount of the fine varied by the Judge